

Implementation of DOD Policy with Regard to Trafficking in Humans

**Statement of
Dr. Sarah E. Mendelson, Senior Fellow
Center for Strategic and International Studies
before the
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Commission on Security and Cooperation in Europe**

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Chairman Hunter, Chairman Smith and Members of the Committees:

Thank you for inviting me to participate in this issue forum on the implementation of the Department of Defense (DOD) policy on human trafficking. My name is Sarah Mendelson, and I am senior fellow at the Center for Strategic and International Studies. It is an honor to be here.

My comments today focus on what should be a central component in the DOD policy—addressing the links between peacekeeping operations and the trafficking of women and girls for sexual exploitation. First, I will address the security implications of human trafficking. Then, I turn to the general lack of awareness, misperceptions and organizational issues that my research suggests will impede comprehensive implementation of DOD's policy. Finally, I discuss a number of recommendations that follow from the research.

I. Security Implications of Trafficking in Persons (TIP)

The vast majority of uniformed service people—both US and international—as well as civilian contractors who support peacekeeping operations do so honorably. They risk their lives to help repair the damage and destruction of war. Tragically, however, international and human rights organizations have documented a disturbing correlation: where one finds international deployments, one also sees a dramatic rise in the number of trafficked women and girls. This phenomenon is especially striking in the Balkans. Those peacekeepers who serve with honor are being tainted by the minority who purchase sex with these women and girls and by the even smaller minority who actively engage in the grave human rights abuse of trafficking.

Human trafficking in post-conflict regions has security implications that to date have been overlooked or downplayed by defense officials and militaries. First, networks that traffic in humans also traffic in guns and narcotics. Human trafficking therefore actively shapes the security environment by providing criminals with revenue. Second, military misconduct is a threat to any mission. When that misconduct involves human rights abuses, it affects the credibility and reputation of peacekeepers and can enrage local populations. When those implicated are also responsible for force protection, they can compromise their main military mission. In short, the security implications of human trafficking involve acts of omission, such as turning a blind eye, and of commission, from unwittingly putting money in the hands of traffickers when purchasing sex to actively trafficking women and girls. The level of harm to the US Armed Forces, to peacekeeping missions, and to thousands of trafficked women and girls

obviously varies but to be clear, all these acts, including the most common—looking the other way—involve some degree of harm.

The adoption of the DOD policy on human trafficking is potentially an extremely important step in addressing this critical issue. I welcome the recent policy directive to commanders. Based on my research, however, I have concerns about the implementation of this policy. For the past 18 months, I have explored how uniformed service members and contractors who have served in Bosnia and Kosovo, as well as officials at DOD, NATO and the UN understand the issue of trafficking in persons. My research has focused on documenting attitudes, knowledge and organizational cultures, and how they all impact combating trafficking. To do this, I have conducted several dozen in-depth interviews, dozens of informal conversations as well as correspondence with uniformed service people (including several one- and two-star generals, colonels, and majors), civilian policy makers, and defense contractors. My field work included observation of the DOD/IG assessment of human trafficking in Bosnia and Kosovo in June 2003.

Today I have time only to summarize a few of the findings and will focus on the most common attitudes as well as on organizational cultures. The research alerts us to various challenges DOD will face and indicates what sorts of resources are needed yet not presently deployed. Specifically, my research suggests that many uniformed service members, civilian contractors as well as civil servants:

- tend to deny the links between trafficking and peacekeeping deployments,
- fail to understand the security implications of both human rights abuse and unwitting support of organized crime,
- tend to conflate trafficking with legalized prostitution.

My research suggests the lack of awareness and the misperceptions are so widespread that they will greatly inhibit the comprehensive implementation of DOD's zero-tolerance policy. Attitudes and organizational cultures appear themselves to be obstacles to change and to drive the current low level of resources devoted to this problem. If DOD grasped the security implications of peacekeeper involvement in human rights abuse, including trafficking in women and children, the resources would be more forthcoming. If the DOD were to address organized crime in post-conflict regions in a comprehensive, robust manner, it would be impossible to ignore human trafficking. To create a taboo on human trafficking—whether for forced prostitution or other forms such as forced labor—will require significantly more resources, organization and leadership than DOD has allocated. To change the hearts and minds of uniformed personnel and civilian contractors on this issue will require an entirely different implementation effort than is currently underway.

II. Gaps in Knowledge and Lack of Awareness

Because human trafficking is a central activity for criminal networks in post-conflict regions, it poses intrinsic security threats to peacekeeping missions. Yet the absence of awareness concerning the links between human trafficking and peacekeeping operations is simply pervasive. While experts have extensively documented that trafficking follows deployments, most officials I spoke with denied or downplayed the issue and not surprisingly then, its

importance. During a November 2003 research trip to Brussels, a US defense official at NATO dismissed human trafficking as “too low a priority for the intelligence community to be interested” even though many missions already monitor trafficking in guns and drugs, and even though, in some locations, human trafficking may generate more revenue than drugs. In June 2003, one US Brigadier General in Bosnia explained that organized crime “is the dragon we are trying to slay and it is one that only SFOR can slay.” When asked if this included human trafficking, he replied, that is “not a subject that I spend much time thinking about. [This is the] first time I have spent any time thinking about it....That’s petty crime; I’m after the big criminals.”

That commands in Bosnia and Kosovo task analysts to track trafficking in guns and drugs but not in humans suggests the command climate has not been especially conducive to combating TIP. There have been real consequences to inaction: not only have crimes against thousands of women and girls gone unpunished, criminal networks have acquired revenue and possibly guns, and the missions of establishing safe and secure regional environments have been undermined.

Certainly I have spoken with many officers and policy advisors at, for example, NATO’s Allied Forces North and at Allied Forces South, who fully recognize the threats of trafficking and who look forward to NATO’s implementation of its policy. Others have been open to learning more about human trafficking. As US Brig. Gen. Daniel J. Keefe, Commander of the Multinational Brigade-East at Camp Bondsteel in Kosovo explained: “We don’t know much about it but would like to learn more. Come teach us. We have lots to do but this sounds like something we should know more about and how we fit in – both the good and the bad.” The view, however, of another general at EUCOM who had years of command experience in the Balkans was more common. He considered the DOD efforts undertaken to assess human trafficking as “waste, fraud and abuse.”

One US officer labeled the denial of links between peacekeeping and trafficking as “the honorable man” syndrome. Many in the military might be reluctant to acknowledge the links because it would mean recognizing they have been posted to regions where thousands of women and girls had been trafficked but have done nothing about it. The realization of having turned a blind eye conflicts with their conception of their own identity as honorable men. I encountered another variation on this theme: “the honorable institution” syndrome. Many who serve and who have served in the US military have, understandably, tremendous devotion to the institution. They take a highly protective approach to the organization, and they find it painful and even cognitively difficult to address the fact that some service members, or those supporting military missions, engage in illegal and criminal activities. Equally, they find it difficult to believe the system in place has not rooted out those responsible or punished them.

The attitudes of denial and disbelief are in part a by-product of the difficulty documenting this phenomenon, but they are also the result of specific decisions not to record or respond to the crime. Trafficking is generally underreported and has been an especially low priority of law enforcement in many parts of the world. In military commands, what is considered intelligence worthy of collection is often driven from the top down. For example, human trafficking in the Balkans has been virtually absent from official military reports because commanders have never made it part of intelligence collection even while they tracked trafficking in drug and arms.

Hopefully, this will change with the 16 September 2004 directive from Secretary Rumsfeld to commanders. Again, the lack of awareness and misperception will pose serious challenges to its implementation.

Numerous interviews reveal uniformed service members routinely encountered trafficked victims on their patrols, and even civilian contractors as “clients” or exploiters of these women and girls. Interviews with Special Forces officers in Bosnia and Kosovo suggest that they are particularly likely to come in contact with trafficked victims, but they never regarded human trafficking as something they should be concerned about. As one Special Forces officer who served in Bosnia in 1998 and in Kosovo in 2001 explained, “I don’t think the intelligence community is all that interested in the fate of these poor Moldovan and Ukrainian girls.” An inquiry to Special Operations Command confirmed such information was rarely recorded.

The indifference of the intelligence and larger military community to human trafficking has also been driven by the misperception that the victims they encountered were willing participants. My research suggests a majority of uniformed service members and civilian contractors conflate what some call “regular prostitution” with human trafficking. The prevalence of this misperception will also prove a serious impediment to implementation of DOD’s new policy.

In fact, the misperceptions of and reluctance to deal with human trafficking are intense enough that some argue the link between peacekeeping operations and TIP is simply a fact of life, about which nothing can be done. Others argue that when peacekeepers purchase sex it is in the interest of the mission and that it is a soldier’s right. One US Army lieutenant colonel billeted to NATO in Kosovo in 2000 described to me how soldiers and commanding officers would likely perceive such a situation:

It is irrelevant that these women are prisoners because [the soldiers] are thinking ‘holy mackerel, here is a great opportunity.’ Would we [officers] think that is a detriment to the mission? I would want to understand why it is detrimental. The commanding officer may be thinking: ... ‘this guy [his soldier] is happy and he is happier if he had a half hour with a beautiful 17 year old—whether he knows she is forced or not—he is happier—he will do his mission better’ ... the commander can be a great guy but maybe he will turn a blind eye—and think that boys will be boys.

While this perspective hopefully is not widespread, DOD faces an enormous challenge in tackling such attitudes and changing how officers and those they command understand and respond to trafficked victims.

III. How Organizational Cultures Can Impede Policy Implementation

Organizational cultures combined with misperception have fostered a permissive atmosphere, minimal response and institutional reluctance to combat trafficking. The recognition of such conditions is one key step toward getting serious change. Comprehensive implementation requires addressing a set of additional factors however—it will mean anticipating how the policy on combating trafficking may conflict with other duties and priorities.

One particular case is worth mentioning because it highlights this dynamic of competing priorities. In summer 2000 in Kosovo, several young NATO military officers were explicitly instructed to ignore the grave human rights abuses committed against young women and girls in the name of another competing policy objective, in this case, the NATO-Russia relationship. Documents show one of the officers—a U.S. Army major—wrote his commander describing a brothel located 200 meters from the Russian contingent’s base where women and girls were held against their will and where troops had been seen entering and exiting. The officer had reason to believe (and this was confirmed by UN police and by victim’s assistance groups) that the Russian contingent was actively engaged in human trafficking. The memo made its way up the chain of command at KFOR, where a senior officer handed it over to the Russians. Other documents reveal no action was taken except that the major was blacklisted by the Russian military contingent. The log of 29 July 2000 records senior KFOR officers anxious “to put this incident as far behind us as possible.”

In the lead-up to and during my travels with the DOD/IG inspectors to Bosnia and Kosovo in June 2003, I also observed an organizational culture that will make it more difficult to implement the zero-tolerance policy. While DOD is in the early stages of actual implementation, this culture appears to be shaping an overall effort that is less than comprehensive. For example, in the spring and summer of 2003, the limited resources and personnel that the DOD/IG assigned to the trafficking assessment suggested to some *inside* DOD that while it reported to Congress that it was doing a “thorough, global and extensive” investigation, it was in fact not. I was informed by DOD officials close to the assessment that those in the IG office with final responsibility for the Balkan report “will wash this report; they are washing the Korea report.” Also worrisome, the DOD/IG investigators had received no training in how to research trafficking in Bosnia and Kosovo. DOD’s methodology was unsophisticated. Typically meetings on bases would begin with questions such as “we are here to investigate possible complicity with human trafficking. Do you have any problems with trafficking here?” Those interviewed not surprisingly usually responded “No, we don’t” and that often was taken at face value. Finally, some findings in the final report “Assessment of DOD Efforts to Combat Trafficking in Persons, Phase II—Bosnia-Herzegovina and Kosovo” (December 2003) do not paint the full picture of what I observed.

The lack of training and methodology of the investigation shaped the results—evidence would have to fall in the laps of the inspectors rather than them uncovering it. This is essentially what happened. On one base, a uniformed service member who oversaw a particular DOD contract told us of several incidents in the previous months where civilian contractor employees had purchased sex from females believed to have been trafficked to the region from Eastern Europe. He had learned of these incidents by accident. This information was confirmed by the program manager of the contract who described his arrangement with the local police: when his employees were picked up during raids, the police would call him to pick up his men. After firing them, he would handle their rapid return to the United States without them being charged.

When the manager of the contract said “we have had three incidents in the last six months,” this should have indicated a possible larger problem requiring different methods of investigation. Instead, the DOD inspectors concluded the problem was not serious. One inspector referred to them as “human interest stories.” Another said, “small numbers means a small problem.” The December 2003 IG report characterized these as “limited and primarily anecdotal” (p.25).

I felt there was probably more to this story and was gratified months later when three senior representatives from the company agreed to meet. They not only confirmed the information we had heard but explained that there had been an additional extremely serious incident: a company employee on that particular base had facilitated trafficking by arranging for other DOD civilian contract employees to have sex with females supplied by a trafficker. This employee hired another company employee as a bodyguard, who purchased a weapon ostensibly for that purpose. When the provost marshal was informed of this, the employee facilitating trafficking was fired and immediately sent home. The man with the gun was held for seven days and then fired after an investigation. Like the well-documented cases involving DynCorp in Bosnia, possession of a weapon was viewed by those on base as more egregious than potential involvement in trafficking.

This case is illustrative of many issues plaguing civilian contractors that bear directly on the enforcement of DOD trafficking policies. While at first glance it may appear that rapid repatriation signified that the contractor was proactively addressing the issue, the consequence is no investigation and hence no prosecution. The local police conclude erroneously that these Americans are immune from prosecution. Moreover, since there is no official record, these men could be hired by another company and facilitate trafficking elsewhere. Finally, it reveals how little control and visibility the command on base has over the contractors. Officially, the DOD considers contractors “just another tool to accomplish the mission, not a separate workforce, with separate needs, to manage.”¹ In the theatre of operations, they appeared quite separate.

More generally, what the inspectors understood as constituting a problem seems to have been shaped by a general organizational culture inside DOD that was not invested in combating trafficking. My observation of the IG’s Bosnia and Kosovo trafficking assessment led me to wonder what the inspectors meant by “zero tolerance.” The inspectors had begun one meeting with trafficking experts from the OSCE by stating, “We have a zero tolerance policy, but we understand that there will always be instances and always be bad apples.” Other times, they would begin meetings explaining “our issue is larger than following individuals engaging in misconduct. This is about larger systemic issues versus onesies and twosies.” This suggested they perceived DOD would only respond if the numbers got above a certain, unspecified threshold. These observations have led me to conclude it is possible to have a zero tolerance policy that masks a culture of tolerance.

IV. Recommendations

Given the extensive misperception and lack of awareness, the initial DOD effort, as it has been explained to me in numerous meetings and conversations, appears to be a minimal response, somewhat akin to trying to combat the spread of HIV through training on the internet. Change in the uniformed service members’ and contractors’ behavior will require new social and cultural norms. To this end, DOD leadership should resist thinking that one or two fixes alone (e.g. long-distance training modules) will have the decisive impact in addressing the trafficking-

¹ US GAO, “Military Operations: Contractors Provide Vital Services to Deployed Forces but Are not Adequately Addressed in DOD Plans,” GAO-03-695, June 2003, p. 19.

peacekeeping link. Instead, the comprehensive implementation of the DOD policy will require ownership, leadership and organization. Specifically, I recommend the following actions:

- Rather than spreading new responsibilities to DOD staff who are already overburdened, and rather than tasking personnel who are not especially interested in the issue, DOD efforts on human trafficking should be centralized in an office directed by a Deputy Assistant Secretary of Defense. The model could be the office recently established to address sexual assault within the military.
- To compensate for the lack of in-house expertise at DOD, the Secretary of Defense should appoint a panel of external advisors who combine peacekeeping experience and a recognized expertise on human trafficking to assess what this office would require in terms of staff and budgets, and to help guide the work of the office.
- Policy makers should prioritize the education and awareness of commanders, Special Operations Forces, intelligence officers, military police and inspectors. It is vital that training be done with consistent and institutionalized input from experts such as the panel of advisors. Training should draw on case studies and be as mission specific as possible showing how, for example, TIP affects and undermines the mission.
- To counter the invisibility of trafficking, commanders should make TIP an intelligence requirement in regions where they already track drug and arms trafficking.
- Commanders should assign senior members of the command to lead task forces on bases to address the issue, and to meet regularly with local anti-trafficking experts from international and local nongovernmental organizations.
- The DOD should conduct a comprehensive awareness campaign on the issue of human trafficking. As part of this effort, the DOD should fund large, random sample surveys across the services on attitudes and issues related to trafficking and use these data to design messages to raise awareness. Tracking surveys conducted after the awareness campaign has been underway can be used to test its effectiveness, as well as the impact of training.
- Civilian contractor employees must receive pre-deployment and in-theatre training on trafficking. Managers must be trained separately on this issue and must be warned that ad hoc arrangements with local law enforcement are not only unethical, but seriously undermine the rule of law, and therefore, the mission.
- When evidence merits prosecution, service members and contractors should be prosecuted. To this end, companies must end rapid repatriation of alleged offenders.
- The DOD IG should devote increased attention and resources to examine civilian contractor complicity in human trafficking in post-conflict regions.

With the issuance of its new policy in January of this year, the Department of Defense has taken an important first step in addressing the problem of combating human trafficking. But a comprehensive response will require DOD to do much more than it has done so far in implementation. I trust that both the Department and the Congress will take my recommendations to heart in addressing this important human rights and security issue.

Thank you.